THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.28014 of 2005

Dated:1st August, 2006

Between:

K.Venkanna. **…..PETITIONER**

AND

The Regional Manager, A.P.S.R.T.C.,
Khammam Region, Khammam District
And another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.28014 of 2005

ORDER:

The petitioner is questioning the proceedings dated 2-9-2005 in No.PA/19(47)/2005-RM: KMM of the 1st respondent wherein the 1st respondent on considering the review petition filed by the writ petitioner has modified the punishment of removal to that of reinstatement deferring two annual increments with cumulative effect and the period between suspension and reinstatement to be treated as on "not on duty" for the purpose of leave.

The petitioner who is a Conductor in the respondent Corporation was issued charge sheet dated 5-2-2005 for cash and ticket irregularities. Petitioner submitted explanation to the charge-sheet denying the charges. The 2nd respondent after issuing show-cause notice terminated the petitioner from service by proceedings dated 28-6-2005, against which appeal preferred before the appellate authority was rejected. The petitioner preferred a review petition before the 1st respondent and the

1st respondent by order dated 2-9-2005 modified the order of removal

to that of reinstatement deferring annual increments for a period of two years with cumulative effect and treating the suspension period as not on duty for all purposes, which is the subject matter of the writ petition.

The learned counsel for the petitioner submits that there is no evidence on record against the petitioner to prove the charges and even assuming if the charges are proved the gravity of the punishment imposed is grave in nature compared to the alleged misconduct. Therefore, the learned counsel prayed that the writ petition be allowed and the impugned order be set aside.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondent/A.P.S.R.T.C and perused the impugned order.

Admittedly, the charges leveled against the petitioner are for ticket and cash irregularities. From the record it is seen that all the charges leveled against the petitioner are proved. However, the reviewing authority exercised his discretion and modified the punishment of dismissal from service to that of reinstatement with some minor penalty of deferring two annual increments with cumulative effect which needs no interference.

The apex Court in **V . Ramana v. APSRTC**[1] held that the Court would not go into the correctness of the choice made by the administrator open to him and the Court should not substitute its decision for that of the administrator and that the scope of judicial review is limited to the deficiency in decision making process and not the decision, and that unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court, there is no scope for interference. In that view of the

matter, I am of the considered opinion, that it is not a fit case where the administrator's decision warrants interference.

For the foregoing reasons, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

(N.V. RAMANA, J.)

Date:01st August, 2006.

GRK

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[1] (2005) 7 SCC 338